

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:21-cv-0059-MR-WCM

| | | |
|---------------------------------------|---|----------------------------|
| RACHEL HOWALD, |) | |
| |) | |
| Plaintiff, |) | |
| |) | STIPULATED ORDER TO |
| v. |) | PRODUCE AND PROTECT |
| |) | |
| BEN LIPPEN SCHOOL, an Assumed |) | |
| Business Name For Columbia |) | |
| International University (Formerly |) | |
| Known As Columbia Bible College), and |) | |
| PAMELA KAYE HERRINGTON, |) | |
| |) | |
| |) | |
| Defendants. |) | |
| |) | |

This matter is before the Court on the parties' Motion for a Stipulated Order to Produce and Protect (Doc. 39).

On February 10, 2022, counsel for Plaintiff informed the undersigned's chambers that a subpoena for the subject records has been sent to the Buncombe County Sheriff's Department ("BCSD"), that counsel for the BCSD does not object to the production of the subject documents provided that the production is ordered by the Court, and that counsel for the BCSD has reviewed and approved the language in this stipulated order.

The motion is granted, and the parties' proposed Order is accepted, *except as amended where indicated*.

Attorneys for plaintiff, Jonathan S. Shbeeb, John B. Riordan, Peter Janci, and Basyle Tchividjian are requesting production of criminal investigation records pertaining

to a child abuse investigation conducted by Buncombe County Sheriff's Department ("BCSD") at the request of Rachel Howald. Because these records contain protected highly sensitive information pursuant to a child abuse investigation and records of a criminal investigation, an order from a court of competent jurisdiction is required for the release.

IT IS HEREBY ORDERED that a true and correct copy of the records be produced by Buncombe County Sheriff's Department directly to attorneys for Plaintiff at 8511 Davis Lake Parkway, STE C6-138, Charlotte, NC 28269.

IT IS HEREBY FURTHER ORDERED that the aforementioned production of records by Buncombe County Sheriff's Department will be subject to the following restrictions:

1. All records obtained under this order shall be used solely for litigation purposes and otherwise kept confidential.
2. Records obtained under this protective order may not be viewed, released, or otherwise used outside of the pending litigation between Rachel Howald and Ben Lippen School and Pamela Kaye Herrington. Any other use or viewing of these records is not authorized and shall be deemed a violation of this protective order. *To the extent any party seeks leave to file information with the Court under seal, such request shall be made in conformity with the Local Rules of this district, including Local Civil Rule 6.1.*
3. Counsel shall not provide a copy to any individual outside of the litigation proceedings except that Counsel may provide a copy to expert witnesses and opposing counsel. A copy of the document in question shall be accompanied by a copy of this order. No one is allowed to possess or review a copy of the provided information except as specifically authorized herein. At the completion of the proceedings all copies retained by Counsel

shall be returned to BCSD or destroyed by Counsel.

4. Counsel presenting this order for the Court's signature shall have so notified all other counsel of record in this proceeding and the representative of BCSD.
5. All reasonable expenses incurred in the production of these records shall be the responsibility of the party seeking production. Payment is required at the time of production.

Signed: February 10, 2022

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf
United States Magistrate Judge



EXHIBIT A

I, _____, have been advised by counsel of record for _____ in *Howald v. Ben Lippen School, et al*, of the Protective Order governing the delivery, publication, and disclosure of confidential documents and information produced in this litigation. I have read a copy of the Protective Order and agree to abide by its terms.

Signed: _____

Printed: _____

Dated: _____